

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

KENTUCKY SPEEDWAY, LLC	:	CASE NO:
	:	
Plaintiff,	:	1:06-mc-00203-KAJ
	:	
v.	:	
	:	
NATIONAL ASSOCIATION	:	
FOR STOCK CAR AUTO	:	
RACING, INC., ET AL.,	:	
	:	
Defendants.	:	

**CROSS-MOTION TO STRIKE ALL REDACTED
PORTIONS OF PLAINTIFF’S MOTION TO COMPEL
AGAINST NON-PARTY DOVER MOTORSPORTS, INC.**

Non-party Dover Motorsports, Inc. (“Dover”) hereby moves to strike all redacted portions of Plaintiff’s Motion to Compel Against Non-party Dover Motorsports, Inc. (D.I. 1), and moves that the Court not consider such portions. The grounds for this motion are that Plaintiff has not served, and refuses to serve, such redacted portions on Dover, as more fully detailed on the brief in support of this motion filed contemporaneously herewith.

Respectfully submitted,

Dated: December 12, 2006

/s/ RGPlacey
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NATIONAL ASSOCIATION	:	
FOR STOCK CAR AUTO	:	
RACING, INC., ET AL.,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this day of , 2006, upon consideration of Plaintiff's Motion to Compel Against Non-Party Dover Motorsports, Inc. (D.I. 1) ("Motion to Compel") and the Cross-Motion to Strike All Redacted Portions of Plaintiff's Motion to Compel Against Non-Party Dover Motorsports, Inc. (D.I. 12), and the Court having considered the briefs and arguments of the parties,

IT IS HEREBY ORDERED that:

1. The cross-motion to strike is granted, and the redacted portions of the Motion to Compel are stricken (with prejudice to any reassertion of the arguments therein) and will not be considered by the Court;
2. The Motion to Compel is denied;
3. Dover is awarded its attorneys' fees and costs in responding to the Ohio subpoena, the Kentucky motion for nationwide service of subpoenas and the Motion to Compel (and Delaware subpoena of May 30, 2006). The parties shall attempt to agree on the monetary amounts corresponding to this award within 30 days of the date of this

Order; in the event that the parties cannot agree on an amount, they shall either submit an agreement setting out a form of alternative dispute resolution (for example, mediation or arbitration) within 45 days or the Court will appoint a special master to set the amount.

BY THE COURT:

J.